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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,481	10/15/2003	Yu-Jiun Wang		8931

25859 7590 06/23/2005  
WEI TE CHUNG  
FOXCONN INTERNATIONAL, INC.  
1650 MEMOREX DRIVE  
SANTA CLARA, CA 95050

EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT PAPER NUMBER

3637

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,481	<b>Applicant(s)</b> WANG ET AL.	
	<b>Examiner</b> Timothy M. Ayres	<b>Art Unit</b> 3637	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/15/03</u> . | 6) <input type="checkbox"/> Other: ____  |

*W*

### **DETAILED ACTION**

This is a first office action on the merits of application SN 10/648,030.

#### ***Claim Rejections - 35 USC § 112***

1. Claims 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Claim 15 recites the limitation "the corresponding inner rail" in line 12 of the claim. There is insufficient antecedent basis for this limitation in the claim. For examination purposes it is assumed that the phrase read to the first rail.
3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether the claims are directed to the rail assembly per-se, or a combination of the rail assembly and the server. Specifically in regards to the last 3 lines of claim 1, the combination of server and cabinet are recited.

#### ***Claim Rejections - 35 USC § 102***

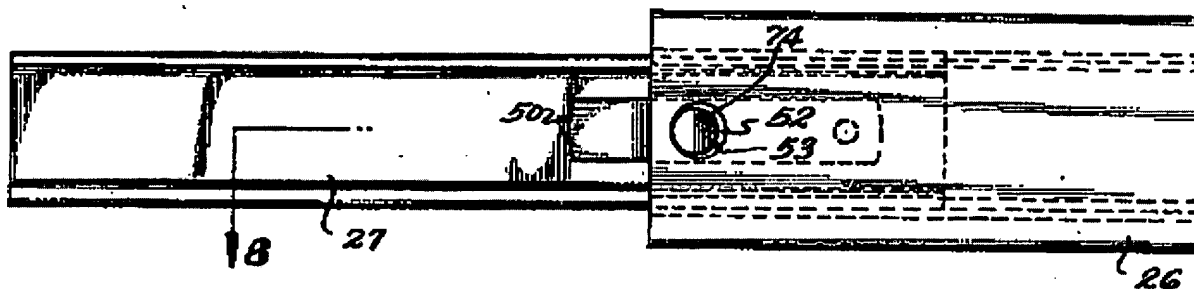
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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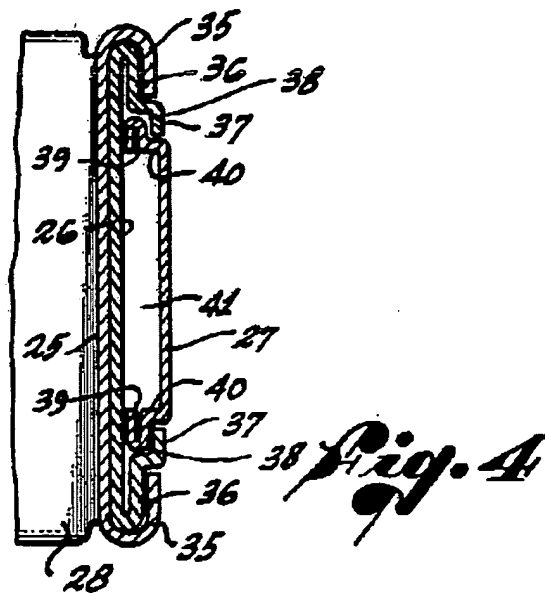
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-11, and 13-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent 3,133,768 to Klakovich. Klakovich ('768) discloses a rail assembly (22) used to support electronic components. A rail bracket (25, 29) is fixed to a sidewall of a cabinet. An outer rail (26) is movable to the rail bracket (25, 29). An inner rail (27) is movably received in the Outer rail (26). A blocking member (53) on the outer rail (26) and engages with an acting member (52) to cause concurrent movement of the inner rail (27) and the outer rail (26) (Col. 4, line 3-14; Col.3, line 51-62).



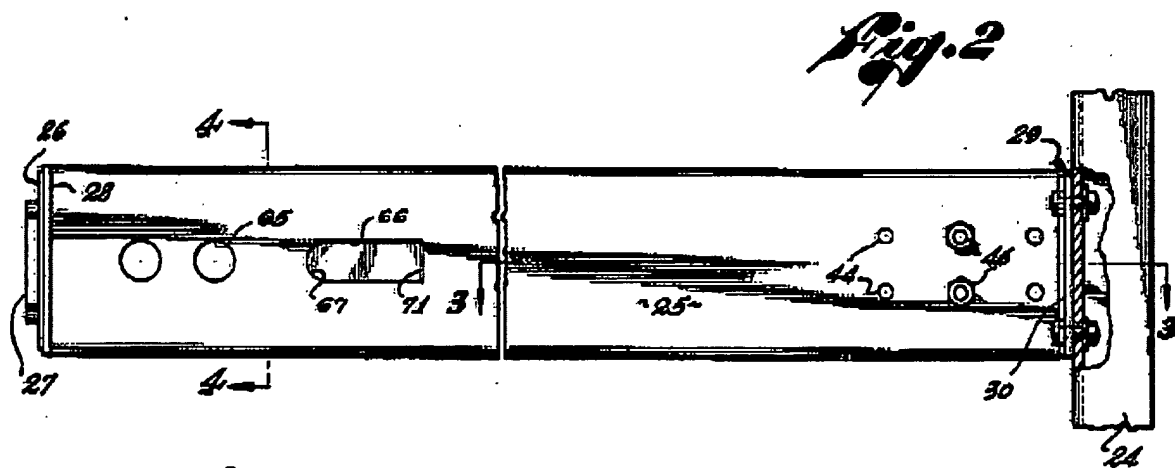
Klakovich ('768) Fig. 7

The inner rail (27) has flanges (39) that fit into guiding portions (38), which are created on the outer rail (26) with lip (37). Railings (36) of the outer rail (26) slide in guiding portion (35) of the rail bracket (25). The inner rail (27) and the outer rail (26) have base plates that are the straight portions defined on both sides of the gap (41).



Klakovich ('768) Fig. 4

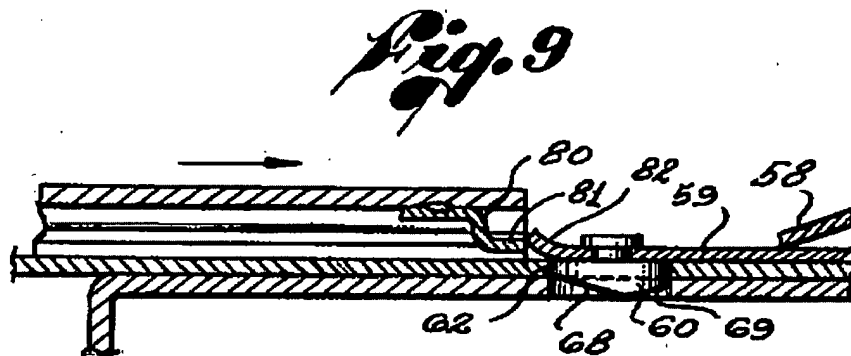
The rail bracket assembly includes a first part (25) that includes an adjustable bracket (29) that mounts to a cabinet. The bracket (29) is adjustably connected with multiple holes (44) and bolts (46) to the first part (25).



Klakovich ('768) Fig. 2

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The rail assembly includes plate (59) attached to outer rail (26), which abuts to the tab (81) that is attached on inner rail (27) and prevent movement between the inner rail (27) and the outer rail (26).



Klakovich ('768) Fig. 9

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,133,768 to Klakovich. Klakovich ('768) discloses every element as applied to claims 1-3, 5-11, and 13-16 above except a protrusion located in the guiding flange and a slot located in the second base plate. It would have been obvious matter of design choice to modify Klakovich ('768) by having the protrusion in the guiding flange and a slot in the second base plate, since the applicant has not disclosed that

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having the protrusion in the specific location and7 using a slot solves any stated problem or is for any particular purpose and it appears that the protrusion would perform equally as well located in the base plate and the slot would perform equally as well as a plate or any abutment surface. In re Japikse, 86 USPQ 70 (CCPA 1950) the court have found that to shift location of parts is not a patentably distinction.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,578,939 to Mayer discloses a rail bracket (200) that includes a first part (202) that mounts to a cabinet. A second part (102) is adjustably connected with slot (206) and screws (302) to the first part (202). U.S Patent 6,209,979 to Fall discloses a telescoping slide assembly to mount equipment. U.S. Patent 6,424,534 to Mayer discloses a rail assembly that has a removable attachment to the server. U.S Patent Publication 2003/0141791 to Dubon discloses a rail assembly that uses two tab abutment members. U.S Patent 6,834,923 to Young discloses a telescoping slide assembly using curved bearing surfaces. U.S. Patent 6,805,418 to Milligan discloses a sliding rail assembly with a tab as a lock. U.S Patent 6,547,081 to Kaminski discloses a low friction slide assembly using indentations as abutment structures.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-FRI 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA

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6/20/05

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

*Lannamai*